

The Honorable David G. Estudillo

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA DIVISION

ELIAS PEÑA, ISAIAH HUTSON, and
RAY ALANIS,

Plaintiffs,

vs.

CLARK COUNTY, WASHINGTON,

Defendant.

Case No.: 3:21-CV-05411-DGE

**AMENDED (PROPOSED) PRETRIAL
ORDER**

TRIAL DATE: May 22, 2023

Pre-Trial Conference: May 12, 2023

AMENDED (PROPOSED) PRETRIAL ORDER -

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Case No. 3:21-cv-05411-DGE

JURISDICTION

Jurisdiction is vested in this court by virtue of: 28 U.S.C. §§ 1331, 1343(a), and 1367. Under 28 U.S.C. § 1391(b), venue is proper because the Parties reside and are located in the Western District of Washington and the events giving rise to the claims occurred in this district.

CLAIMS AND DEFENSES

The Plaintiffs will pursue at trial the following claims: (1) hostile work environment on the basis of race and/or national origin under Title VII; and (2) hostile work environment on the basis of race and/or national origin under the Washington Law Against Discrimination.

The Defendant will pursue the following affirmative defenses: (1) statute of limitations;¹ (2) failure to mitigate damages; and (3) prompt remedial action.

ADMITTED FACTS

The following facts are the Parties' proposed facts:

Undisputed Facts

1. Defendant CLARK COUNTY, WASHINGTON ("Defendant" or "County") is a political subdivision of the State of Washington. Through its Public Works Department, Defendant is responsible for building and maintaining infrastructure in the County. The Roads Maintenance and Safety Division ("Roads Division") is a subdivision of the Public Works Department. Plaintiffs work in the Roads Division.

A. Plaintiff Isaiah Hutson

2. Plaintiff Isaiah Hutson's national origin and race is Latino.

3. In June 2016, Defendant Clark County hired Isaiah.

4. Clark County hired Isaiah to perform road maintenance work in the Roads Division.

B. Plaintiff Elias Pena

¹ Defendant is cognizant of the court's summary judgment ruling regarding statute of limitations, but asserts it may still be a question of fact in light of the dismissal of the 42. U.S.C. §1981 claims with a four-year statute of limitations and evidence that will be presented at trial.

5. Plaintiff Elias Pena's national origin and race is Latino.
6. In 2017, Defendant Clark County hired Elias.
7. Clark County hired Elias to perform road maintenance work in the Roads Division.

C. Plaintiff Ray Alanis

8. Plaintiff Ray Alanis' national origin and race is Latino.
9. In May 2014, Defendant Clark County hired Ray.
10. Clark County hired Ray to perform road maintenance work in the Roads Division.
11. In 2020, each of the Plaintiffs complained to Human Resources Representative Kara Hill regarding Superintendent Tim Waggoner. After conducting an investigation, the HR representative did not find evidence of policy violations by Mr. Waggoner. County Manager Kathleen Otto upheld the investigatory conclusions on appeal.
12. On June 1, 2021, Plaintiffs filed this lawsuit.

ISSUES OF LAW

The following are the issues of law in this matter:

1. Hostile work environment on the basis of race and/or national origin under Title VII of the Civil Rights Act of 1964 and Washington Law Against Discrimination, RCW Ch. 49.60.
2. Compensatory damages.
3. Emotional distress damages.
4. Defendant's Affirmative Defenses: (a) prompt remedial action; (b) statute of limitations; and (c) failure to mitigate damages.
5. Federal jurisdiction exists under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. Jurisdiction for Plaintiffs' claims for attorneys' fees, costs, expert witness fees and associated costs and related non-taxable costs exists under 42 U.S.C. 2000e, et. seq.
6. This Court has personal jurisdiction over the Parties.
7. Venue is appropriate in this Court.

EXPERT WITNESSES

(a) Each party shall be limited to 1 expert witness on the issues of liability and 1 expert witness on the issue of damages.

(b) The names and addresses of the expert witnesses to be used by each party at the trial and the issue upon which each will testify is:

1. On behalf of the plaintiffs:
 - a. Dr. Laura S. Brown, 4131 1st Avenue NW, Seattle, WA 98107. She will provide testimony regarding the plaintiffs' damages.
 - b. Judith Clark, 7650 SW Beveland Street, Suite 130, Tigard, OR 97223. She will provide testimony regarding best practices for human resources professionals handling discrimination complaints.
2. On behalf of the Defendant:
 - a. Russell A. Vandenbelt, M.D.
P.O. Box 440
Mercer Island, WA 98040
(425) 454-0255

Dr. Vandenbelt is a psychiatrist who will provide expert testimony regarding evaluation of Plaintiffs's damages claims, including their medical/mental health history, treatment, and rebuttal to expert opinions offered by Plaintiffs's expert Dr. Brown.

- b. John Ladenberg
705 9th Street #205
Tacoma, WA 98405
Phone: (253) 241-1311

Mr. Ladenburg will provide testimony regarding administration of human resources and management response and handling of discrimination complaints in public agencies such as Clark Couty, including evaluation of Clark County's handling and response to issues raised by Plaintiffs in this lawsuit.

OTHER WITNESSES²

² Bolded names are witnesses identified by both parties. Defendant has designated with an asterisk (*) witness testimony description that appears to be outside the scope of issues still remaining for trial pursuant to the court's

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of the plaintiffs:

1. Plaintiff Elias Pena (will testify), 5515 NE 89th Avenue, Unit C, Vancouver, WA 98662. Elias will testify that he complained to Defendant Clark County's management and supervisors about hostile work environment and about workplace discrimination in general. Following his complaints, Defendant Clark County continued to subject him to a pattern of discriminatory harassment. Supervisors subjected him to a hostile work environment throughout his employment.
2. Plaintiff Isaiah Hutson (will testify), 715 NW 6th Avenue, Battle Ground, WA 98604. Isaiah will testify that he complained to Defendant Clark County's management and supervisors about hostile work environment and about workplace discrimination in general. Following his complaints, Defendant Clark County continued to subject him to a pattern of discriminatory harassment. Supervisors subjected him to a hostile work environment throughout his employment.
3. Plaintiff Ray Alanis (will testify), 2302 NW 3rd Avenue, Battle Ground, WA 98604. Ray will testify that he complained to Defendant Clark County's management and supervisors about hostile work environment and about workplace discrimination in general. Following his complaints, Defendant Clark County continued to subject him to a pattern of discriminatory harassment. Supervisors subjected him to a hostile work environment throughout his employment.
4. Stephanie Pena (will testify), 5515 NE 89th Avenue, Unit C, Vancouver, WA 98662. Stephanie is the spouse of Elias Pena. She will testify that Clark

summary judgment order, Dkt. #90.

County's discriminatory harassment has caused her husband to suffer from anxiety and depression, increased weight gain, sexual and spousal problems, and adverse changes to their family life.

5. Sabrina Hutson (will testify), 715 NW 6th Avenue, Battle Ground, WA 98604. Sabrina is the spouse of Isaiah Hutson. She will testify that Clark County's discriminatory harassment has caused her husband to be dependent on two anti-anxiety medications, regular injections of testosterone replacement therapy, increased weight gain, insomnia, panic attacks, sexual and spousal problems, and adverse changes to their family life.
6. Martha Alanis (will testify), 2302 NW 3rd Avenue, Battle Ground, WA 98604. Martha is the spouse of Ray Alanis. She will testify that Clark County's discriminatory harassment has caused her husband to suffer from anxiety and depression, change in behavior towards friends and family, anger against his children, spousal problems, and adverse changes to their family life.
7. **Kathleen Otto (will testify)**, c/o Keating, Bucklin & McCormack, Inc., P.S. 801 Second Avenue, Suite 1210, Seattle, WA 98104. Otto is the current county manager for Clark County. She will testify as Clark County's 30(b)(6) witness as the person most knowledgeable about the county, and as a witness to this action. She will testify regarding county policies.
8. **Kara Hill (will testify)**, address unknown. Hill is the former senior HR analyst that initiated and conducted an investigation into Plaintiffs' complaints. She will testify about the process she undertook in investigating the HR complaints of the Plaintiffs. **Note:** Plaintiffs request that Ms. Hill present her testimony via zoom. Defense counsel has confirmed with Ms. Hill that she is available to appear to testify in person in court during the trial and has been served with a trial subpoena by Plaintiffs. Plaintiffs do not object to Ms. Hill being there in person, but object to her being called out of order and testify in support of Defendant's case during Plaintiffs' case in chief.

9. **Darrell Young (will testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Young is a current crew chief and former Union President of Local 307 from 2018 to 2020. Young will testify that Plaintiffs complained to him regarding Clark County discriminatory harassment, and hostile work environment. He will further testify that he was the union representative when Kara Hill conducted investigation interviews in 2020.
10. **Joshua Lipscomb (will testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Lipscomb is the current roads operations manager. He was hired in summer 2021. He will testify that, after Plaintiffs filed complaints, Human Resources requested that Lipscomb remove a long-standing posting in public places that disparaged immigrants and groups of people. He will testify that Plaintiffs have filed complaints against him.* Lipscomb will further testify that Plaintiffs have filed a complaint against Crew Chief Chad Weiker after he yelled at Isaiah and Elias following his deposition in December 2022. Note: Plaintiffs request that Mr. Lipscomb present testimony via zoom. Defense counsel has confirmed with Plaintiffs' counsel that he is available to appear to testify in person in court during the trial and has been served with a trial subpoena by Plaintiffs. Plaintiffs do not object to Mr. Lipscomb being there in person, but object to him being called out of order and testify in support of Defendant's case during Plaintiffs' case in chief.
11. **Timothy Waggoner (will testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Waggoner is one of three superintendents in the Roads Division. Waggoner is the immediate supervisor for Plaintiffs since 2017. He will testify about his experience supervising Plaintiffs. Note: Plaintiffs request that Mr. Lipscomb present testimony via zoom. Defense counsel has confirmed with Plaintiffs' counsel that he is

available to appear to testify in person in court during the trial and has been served with a trial subpoena by Plaintiffs. Plaintiffs do not object to Mr. Lipscomb being there in person, but object to him being called out of order and testify in support of Defendant's case during Plaintiffs' case in chief.

12.

13. **Sue Stepan** (will testify), 113 West 37 Street, Vancouver, WA 98660. Stepan is the former roads operations manager. She will testify that during her tenure as roads operations manager, she conducted an investigation into the problems of the roads division, recommendations for change, and compiled a report of her findings that provided a roadmap for Clark County to address those problems. Her report and recommendations were never implemented.* **Note:** Plaintiffs request to present Ms. Stepan's testimony via zoom.

14. **Clayton Tikka** (will testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Tikka is a current Roads Division employee, former crew chief, and former Union Vice-President of Local 307 from 2018 to 2019. He will testify that Plaintiffs complained to him and he is aware of Waggoner, Harris, May, and Eiesland engaged in discriminatory conduct and created a hostile work environment.* Tikka will further testify that he was warned not to engage with Plaintiffs.

15. **Larry Jones** (will testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Jones is a current Sign Shop employee. He will testify that, during a group meeting, Roads Operations Manager Josh Lipscomb singled out and yelled at Isaiah Hutson when he asked a question. *

16. **Matthew Griswold** (will testify), 11109 NW 7th Avenue, Vancouver, WA 98686. Griswold is the former Traffic Engineering and Operations Manager, and supervisor of the Sign Shop. Griswold supervised Ray Alanis when he worked in the Sign Shop from 2018 to 2019. Griswold will testify that Ray called him, following phone calls from Waggoner and Wilson, about taking

personal time off. Griswold will further testify that he handled the situation involving Ray, as well as he was aware of former Sign Shop employees complaining about the Roads Division and the superintendents.* **Note:** Plaintiffs request to present Mr. Griswold's testimony via zoom.

17. **Richard Harris (may testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Harris is a current Roads Division employee and former crew chief. He will testify about his experience working with Plaintiffs.

18. **Gage Bryant (will testify)**, address unknown. Bryant is a former Roads Division employee. He will testify that he personally heard that Richard Harris say that "the county is going to shit because its keeps hiring all these beaners and spics." Bryant will further testify that he conveyed this information to Isaiah Hutson, but did not report to Human Resources because he was a temporary worker and did not want to risk losing his job. **Note:** Plaintiffs request to present Mr. Bryant's testimony via zoom. Defendant requests the court strike this witness as Plaintiffs have and continue to represent that his address is "unknown," thereby preventing the County from deposing him. Now indicating that Mr. Bryant "will" testify, it is clear that Plaintiffs apparently do have contact information sufficient to subpoena this witness to testify at trial but continue to withhold it.³ If the witness is permitted to testify, the County requests leave to depose him via Zoom prior to trial. Plaintiffs respond that they spoke with Mr. Bryant yesterday and have communicated with him by phone and email only. It is Defendant's position that an email address and phone number is insufficient to allow Defendant to have served Mr. Bryant and

³ Upon information and belief, Mr. Bryant was a temporary worker sometime around the 2016-2017 time period. Temporary workers were not regular employees of the County but were provided to the County via an outside employment agency; thus, the County did not maintain or have access to employment records, including addresses, for temporary workers.

maintains that it should have an opportunity to depose Mr. Bryant prior to trial.

19. **John May (may testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. May is a current crew chief. He will testify that he supervised some of the Plaintiffs. May will further testify about his experience working with Plaintiffs.
20. **Ahmad Qayoumi (may testify)**, 5616 NE 129th Place, Vancouver, WA 98682. Qayoumi is the former director of public works and county engineer for Clark County. He will testify that Otto requested that he resign from Clark County,* he initiated diversity, inclusion and equity trainings and programs at Clark County, and referred complaints, including Plaintiffs' complaints, to Human Resources to investigate and conduct an investigation.
21. **Leslie MacDonald (may testify)**, 4207 NE 130th Circle, Vancouver, WA 98686. MacDonald is the former deputy director of public works. He will testify that Qayoumi requested that he resign from Clark County, he managed Clark County's response to COVID, and worked with the roads operations manager and superintendents.
22. **Sheila Ensminger (may testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Ensminger is the current office manager for the Roads Division. She will testify that she participated and compiled the meeting minutes involving employee meetings, superintendent meetings, and management meetings.
23. **Nicholas Eiesland (may testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Eiesland is one of three superintendents in the Roads Division. He will testify about his experience in supervising some of the Plaintiffs.
24. **Carl Oman (may testify)**, Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Oman is one of three superintendents in the Roads Division. Oman is the former supervisor of some of the Plaintiffs.

Oman will testify on the scope of his duties as a superintendent in the Roads Division and managing various crew chiefs.

25. **Brandon Pilot** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Pilot is a current crew chief. He will testify that Eiesland offered him an overtime opportunity.*
26. **Marc Smith** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Smith is a current crew chief. He will testify that he supervised Plaintiffs when they worked together in 2018 at the Mabry Shed. Smith will further testify that Waggoner asked him why Plaintiffs filled-in as acting crew chief and Waggoner's preference for Kenny Hugo as crew chief rather than Plaintiffs.*
27. **Micah Passmore** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Passmore is a current Roads Division employee. He will testify that he operated the vactor truck with Ray Alanis when Waggoner reprimanded Ray for not wearing a headset.
28. **Allen Martinez** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Martinez is a current Roads Division employee. He will testify that the last time he worked with Plaintiffs was in 2017.
29. **Edward Perez** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Perez is a current Roads Division employee. He will testify that, in the past, he made certain racial jokes that lead towards discipline, and that he no longer makes those kinds of jokes.
30. **Isidoro Flores** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Flores is a current crew chief. He will testify about his experience at Clark County.
31. **Salvador Mendez** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Mendez is a former Roads

Division employee. He will testify that he was employed for less than two-years and did not work with Plaintiffs.

32. **Ricky Nichols** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Nichols is a former Roads Division employee. He will testify that Jeff Kujava was known to make vulgar and sexual jokes in the workplace.* Nichols will further testify that he had positive experiences working with Plaintiffs and their work performance.*
33. **Dominic Catania** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Catania is a current Roads Division employee. He will testify that he worked with Ray Alanis.
34. **David Lubinski** (may testify), 9 East Twin Falls Street, Yacolt, WA 98675. Lubinski is a current Roads Division employee.
35. **Aaren Morring** (may testify), 10312 NE 96th Street, Vancouver, WA 98662. Morring is a former Roads Division employee. He will testify that he left Clark County because of management problems and Waggoner's behavior. Morring will further testify that he received his CDL license in a month because he demanded Oman to give him training opportunities, and he was sent home for COVID because he was exposed to Ray through Micah Passmore. *
36. **Chad Weiker** (may testify), Clark County Public Works Department, 4700 NE 78th Street, Vancouver, WA 98665. Weiker is a current crew chief. He will testify that he became a crew chief of the Mabry Shed in 2022 and has supervised Plaintiffs.
37. **Julio Morales** (may testify), 11608-B NE 149th Street, Vancouver, WA 98606. Morales is a former Roads Division employee. Morales will testify that has heard rumors about racial discrimination, such as Superintendent Kenny Price's refusal to grant him a pay increase for filing-in as crew chief*, as well as the Roads Division targeting people who complain or raise issues.
38. **Thomas Lee Sutton** (may testify), 17607 NE 39th Street, Amoby, WA 98601.

Sutton is a former crew chief. He will testify on his many years serving as crew chief, including acting as an intermediary between the crew and superintendents. Sutton will further testify that he has had positive experience working with Plaintiffs and their work performance.

39. **Larry Clark** (may testify). Clark is the former union representative for Clark County.⁴He will testify that he was the union representative that assisted Plaintiffs when they filed their complaints or grievances, as well as met with management to resolve Plaintiffs' complaints.

40. **Mike Boyer** (may testify). Boyer is the current union president.⁵ He will testify that, in 2022, Plaintiffs filed complaints for discriminatory treatment or coaching, and he served as a union representative during those meetings and assisted Plaintiffs.

41. **Kenny Hugo** (may testify), 10315 NE 23rd Avenue, Vancouver, WA 98686. Hugo is a former Roads Division employee. He will testify that he worked with Plaintiffs in 2018 at the Mabry Shed, and that Waggoner asked him to serve as acting crew chief. *

42. **Carolyn Heniges** (may testify), address unknown. Heniges was the former roads operations manager. She will testify that Qayoumi requested her to be the roads operations manager, and during her tenure, she denied Isaiah's grievance for increased pay, which Qayoumi overruled. Heniges will further testify that Qayoumi requested that she resign, and she filed an appeal based on sex and health discrimination.*

43. **William Winfield** (may testify), address unknown. Winfield is the former director of Human Resources. Winfield will testify that he removed the

⁴ The County asserts Mr. Clark has never been a County employee; he was previously employed as a business agent for the Local 307 union.

⁵ It is the County's understanding that Mr. Boyer is no longer employed at the County, but is now an employee of the Local 307 union.

coaching documentation from Elias' file following his coaching session with Lipscomb and Eiesland in 2022.*

44. **Amanda Lawrence** (may testify), address unknown. Lawrence is the former director of Human Resources. She will testify that she reviewed Kara Hill's investigation report regarding Plaintiffs' complaints and found no evidence that Waggoner violated county policy.

45. **Jeremiah Hertz** (may testify), address unknown. Hertz is a former crew chief. He will testify that he left Clark County because of Waggoner's behavior. Hertz will further testify that, following the incident with the vector and sabotage, he told Ray Alanis that Waggoner's treatment towards him was improper and he saw how it has affected Ray.*

(b) On behalf of the defendant:

Lay witnesses

1. **Kathleen Otto** (will testify)
c/o Keating, Bucklin & McCormack, Inc., P.S.
801 Second Avenue, Suite 1210
Seattle, WA 98104

Kathleen Otto has served as County Manager since February of 2021. Previously, she served as Interim County Manager from March 2020-February 2021, Deputy County Manager and Director of Internal Services from to March 2020, and the County's Human Resources Director from September of 2016-January of 2019. She was not employed by the county from September 2015 through August 2016. She will testify regarding County operations, policies, and procedures, Labor Relations, interactions with Plaintiffs, Public Works and human resources personnel, Plaintiffs' appeal of a workplace investigation in 2020, and the County's knowledge of and responses to allegations by Plaintiffs, including Defendant's investigations regarding Plaintiffs' complaints.

2. **Kara Hill** (will testify)
Oregon Metro
600 Grand Ave.
Portland, OR 97223

503-957-9927
karade16@outlook.com

Kara Hill will testify regarding facts relating to her work as a Senior Human Resources representative for Clark County July 2019-July 2020, interactions with plaintiffs, and other Roads division personnel, investigations, labor grievances, County and Department operations and policies, Labor agreements, and communications regarding plaintiffs.

3. **Mande Lawrence** (will testify)
City of Chattanooga
101 East 11th Street - Suite 201
Chattanooga, TN 37402
P: 423.643.7203
alawrence@chattanooga.gov

Mande Lawrence was the former Human Resources Director for the County and will testify regarding facts regarding Clark County Public Works Department and Human Resources practices and policies, investigations, labor agreements and grievances, and other facts related to Plaintiffs' claims. **NOTE: Defendants request permission to present Ms. Lawrence's testimony via Zoom from Tennessee, if necessary, particularly if an agreeable date for her appearance cannot be confirmed soon enough for her to arrange travel. Plaintiffs do not oppose this request.**

4. **Timothy Waggoner** (will testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 986665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Timothy Waggoner is a Superintendent the Public Works Department and will testify regarding facts related to Plaintiffs' employment and complaints.

5. **Richard Harris** (will testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 986665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Richard Harris works in the Public Works Roads Division of Clark County and will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the

working environment in the Department.

6. **Sheila Ensminger** (will testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Sheila Ensminger is the Office Manager in the Public Works Roads Division and will testify regarding departmental operations, personnel, environment, training, records, interactions with plaintiffs and other personnel, and plaintiffs' claims.

7. **Nick Eiesland** (will testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Nick Eiesland has served as a superintendent Since April 2021. He previously served as a chief from approximately 2006 to April 2021, and as a highway maintenance specialist prior to that in the Public Works Roads division at Clark County. He will testify regarding facts relating to Plaintiffs' employment and claims that reference him, interactions with plaintiffs, and the Department Operations and working environment.

8. **Dominic Catania** (will testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Dominic Catania works in the Public Works Roads Division of Clark County and will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

9. **Brandon Pilot** (will testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Brandon Pilot has served as the Water Quality Crew Chief since 2012 in the Public Works Roads Division of Clark County, and as a highway maintenance specialist prior to the. He will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

10. **Chad Weiker (will testify)**
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Chad Weiker has served as a crew chief in the Public Works Roads Division of Clark County since March 2022, and worked as a heavy equipment operator and/or highway maintenance specialist from 2011 – March 2022. He will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

11. **Salvador Mendez (will testify)**
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Salvador Mendez worked in the Public Works Roads Division of Clark County and will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

12. **Allen Martinez (may testify)**
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Allen Martinez worked in the Public Works Roads Division of Clark County and will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

13. **Isodoro Flores (will testify)**

Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Isodora Flores has served as a crew chief in the Public Works Roads Division of Clark County since July 2019 and Prior to that as a heavy equipment operator, Highway maintenance specialist, and have a maintenance worker. He will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 14. Edward Perez (will testify)**
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Edward Perez has worked in the Public Works Roads Division of Clark County As a highway maintenance specialist since 2019. He will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 15. David Lubinski (may testify)**
9 East Twin Falls Street
Yacolt, WA 98675

David Lubinski worked As a highway maintenance specialist in the Public Works Roads Division of Clark County From June 2019 – June 2021. He will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 16. John May (will testify)**
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 986665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

John May has served as a Crew Chief in the Public Works Roads Division Clark County

since approximately 2015, and as a highway maintenance specialist and/or worker prior to that. He will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 17. Aaren Morring (may testify)**
10312 NE 96th Street
Vancouver, WA 98662

Aaren Morring worked as a highway maintenance specialist in the Public Works Roads Division of Clark County From April 2017 – April 2022 and will testify regarding facts relating to Plaintiffs' claims that reference him, including plaintiff Pena's allegation that he was treated differently in terms of obtaining his unrestricted CDL in 2019, interactions with Plaintiffs and the working environment in the Department.

- 18. Micah Passmore (may testify)**
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Micah Passmore has served as a Highway Maintenance Specialist in the Public Works Roads Division of Clark County Since approximately 2018 or 2019. He will testify regarding facts relating to Plaintiffs' claims that reference him, Including interactions with Tim Wegner and operation of factory equipment with plaintiff Alanis, interactions with Plaintiffs and the working environment in the Department.

- 19. Dr. George McCouch, D.O. (will testify)**
220 South Ash
Sisters, OR 97759
(541) 904-4030

Dr. McCouch will testify regarding his medical treatment of plaintiff Isaiah Hutson, including Mr. Hutson's medical history and records. **NOTE: Defendants request permission to present Dr. McCouch's testimony via Zoom from Oregon (per the doctor's request). His testimony is anticipated to be brief. Plaintiffs do not oppose this request.**

- 20. Eric Doerfler, M.D. (will testify)**
Battle Ground Clinic

2005 W Main Street
Battle Ground, WA 98604

Dr. Doerfler will testify regarding his medical treatment of plaintiff Isaiah Hutson, including Mr. Hutson's medical history and records. **NOTE: Defendants request permission to present Dr. Doerfler's testimony via Zoom from Battleground (per the doctor's request). His testimony is anticipated to be brief. Plaintiffs do not oppose this request.**

21. Justin Meats (will testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Justin Meats works in the Public Works Roads Division of Clark County and will testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

22. Josh Lipscomb (may testify)
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Mr. Lipscomb has served as the Road Operations Manager since August 2021 and, if plaintiffs are permitted to proceed on claims of retaliation based on events occurring after their lawsuit was filed in June 2021, Mr. Lipscomb will testify regarding his interactions with plaintiff's, their complaints regarding him, and Rhodes division operations, personnel, policies, and practices since he began in this position.

23. Julio Morales (may testify)
11608-B NE 149th Street
Vancouver, WA 98606.

Mr. Morales worked in the Roads Division and may testify consistent with his deposition testimony regarding comments Plaintiffs allege he witnesses and Plaintiffs allegations that he

experienced and disclosed race discrimination or harassment to them.

24. Carl Oman (may testify)

Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Carl Oman is an Operations Superintendent in Public Works Roads division and may testify regarding facts relating to Department operations, policies, and practices personnel, interactions with plaintiffs and other Department personnel, and the work environment and the department.

25. Eva Haney (may testify)

Eva Haney served as Interim Public Works director during 2021. She may testify regarding public works operations, personnel, labor relations and grievances during the time she served in this role.

26. Kenny Price (may testify)

1720 NE 70th Street
Vancouver, WA 98665

Kenny Price worked in the Public Works Roads Division of Clark County until his retirement, and may testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

27. Scott Wilson (may testify)

20634 NE 242nd Ave.
Battle Ground, WA 98604

Scott Wilson worked in the Public Works Roads Division of Clark County and may testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

28. Matt Griswold (may testify)

11109 NW 7th Avenue
Vancouver, WA 98686

Matt Griswold works in the Public Works Roads Division of Clark County and may

testify regarding facts relating to Plaintiff Alanis' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 29. Darrell Young (will testify)**
Clark County Public Works Department
4700 NE 78th Street
Vancouver, WA 98665
Pubwks.cservice@clark.wa.gov
(564) 397-6118

Darrell Young was the President of Local 307 Union 2019-2020. He has served as a crew chief in the Public Works Roads Division Since the summer of 2021, and worked previously has a highway maintenance specialist and heavy equipment operator. He may testify regarding Plaintiffs' employment with Clark County, his involvement regarding labor relations, grievances, interactions with County management and other personnel.

- 30. Carolyn Heniges(may testify)**
1407 49th Street
Washougal, WA 98671

Carolyn Heniges was the Roads Operation Manager 2018-2019 and may testify regarding facts regarding Public Works Department Operations and interactions with Plaintiffs during this time frame. **NOTE: Defendants request permission to present Ms. Heniges' testimony via Zoom from Southwestern Washington due to medical restrictions. Plaintiffs do not oppose this request.**

- 31. Ahmad Qayoumi (may testify)**
5616 NE 129th Place
Vancouver, WA 98682

Ahmad Qayoumi held the position of Public Works Director/County Engineer from v September 20 18th – September 2021 He may testify regarding Clark County Public Works Department operations, trpersonnel, labor relations, grievances and other facts elated to Plaintiffs' claims.

- 32. Jeff Tuttle(may testify)**
35403 NE 94th Ave.
La Center, WA 98629

Jeff Tuttle worked in the Public Works Roads Division of Clark County until his

retirement and may testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 33. Kenny Hugo(may testify)**
10315 NE 23rd Ave.
Vancouver, WA 98686

Kenny Hugo worked in the Public Works Roads Division of Clark County and may testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 34. Les MacDonald (may testify)**
4207 NE 130th Circle
Vancouver, WA 98686

Les MacDonald was the Deputy Public Works Director for less than a year in 2019-2020 and may testify regarding operations at the Clark County Public Works Department during that time.

- 35. Tom Sutton (may testify)**
17607 NE 39th Street
Amoby, WA 98601

Tom Sutton worked in the Public Works Roads Division of Clark County until his retirement and may testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 36. Ed Day (may testify)**

Ed Day works in the Public Works Roads Division of Clark County and may testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

- 37. Nate Cox (may testify)**

Nate Cox works in the Public Works Roads Division of Clark County and may testify regarding facts relating to Plaintiffs' claims that reference him, interactions with Plaintiffs and the working environment in the Department.

38. Daniel Harrigan (may testify)
Clark County Human Resources
c/o of Defense Counsel

Daniel Harrigan is a Human Resources Representative who attended interviews of Plaintiffs with Kathleen Otto and may testify regarding Plaintiffs interviews and his contemporaneous notes.

39. Isaiah Hutson
c/o Plaintiffs' counsel

Isaiah Hutson may testify facts regarding his own, Mr. Peña's, and Mr. Alanis's claims. Defendant may also offer excerpts of Plaintiff Hutson's deposition testimony at trial pursuant to FRCE 32(a)(3).

40. Elias Peña
c/o Plaintiffs' counsel

Elias Peña may testify regarding facts regarding his own, Mr. Hutson's, and Mr. Alanis's claims. Defendant may also offer excerpts of Plaintiff Pena's deposition testimony at trial pursuant to FRCE 32(a)(3).

41. Ray Alanis
c/o Plaintiffs' counsel

Mr. Alanis may testify regarding facts regarding his own, Mr. Peña's, and Mr. Hutson's claims. Defendant may also offer excerpts of Plaintiff Alanis' deposition testimony at trial pursuant to FRCE 32(a)(3).

42. Pat Cosgrove
Clark County Public Works Department

Mr. Cosgrove is a crew chief in the Roads Division who has worked with will provide rebuttal testimony regarding Plaintiff Alanis' testimony regarding comments in the workplace.

EXHIBITS

Plaintiffs' Exhibits						
Ex. #	Bates	Description	Authenticity	Admissibility	Objection	Admitted
#1	n/a	Plaintiffs' Complaint	stip	disp	HS	
#2	n/a	Plaintiffs' First Amended Complaint	stip	disp	HS	
#3	n/a	Defendant's Answer to Complaint	stip	disp	REL	

Plaintiffs' Exhibits						
Ex. #	Bates	Description	Authenticity	Admissibility	Objection	Admitted
#4	n/a	Defendant's Answer to First Amended Complaint	stip	disp	REL	
#5	n/a	Expert Declaration of Dr. Laura Brown, including exhibits, dated and produced September 2, 2022.	stip	disp	HS	
#6	n/a	Supplemental Expert Report of Judith Clark, including exhibits, dated and produced December 9, 2022.		disp	HS	
#7	CC_28-CC_252	Clark County Human Resources Policy Manual	Stip	Stip		
#8	CC_7078-CC_7168	Agreement Between Local 307 and Public Works dated July 1, 2018 through June 30, 2021	Stip	Stip		
#9	Darrell Young deposition Exh. 86	Copies of Handwritten Notes Created by Darrell Young	Stip	Stip		
#10	P_96	Photo of Posting	Disp	Disp	F REL	
#11	CC_2358-CC_2361	Isaiah Hutson Highway Maintenance Worker Interview Questions dated May 18, 2016	Disp	Disp	F REL	
#12	CC_5792-CC_5793	Response to Step 1 Grievance Email from Carolyn Heniges dated July 1, 2019	Stip	Stip		
#13	CC_6160-CC_6184	Isaiah Hutson Grievance – Trainer OCP, and accompanying documents, from Carolyn Heniges dated July 5, 2019	Stip	Stip		
#14	CC_1522-CC_1524	Isaiah Hutson Bias? Email dated July 11, 2019	Stip	Stip		
#15	P_17-P_19	Elias Pena Meeting Request-CDL Requirement Email from Kara Hill dated July 24, 2019	Disp	Disp	F	
#16	CC_5167	Isaiah Hutson Trainer Pay Report Email from Kara Hill dated July 30, 2019	Stip	Stip		
#17	CC_6482-CC_6483	Elias Pena CDL Training Email from Carolyn Heniges dated July 31, 2019	Stip	Stip		
#18	P_22-P_23	Elias Pena CDL Training Schedule from Timothy Waggoner dated August 1, 2019	Disp	Disp		
#19	CC_2020-CC_2021	Ray Alanis Message from MSFWSB1 Email from Kara Hill dated August 13, 2019	Stip	Stip		
#20	CC_5168-CC_5169	Ray Alanis Grievance Email from Kara Hill dated August 14, 2019	Stip	Stip		
#21	CC_4064	Employee Behavior During County Wide Trainings from Kara Hill dated October 18, 2019	Stip	Disp	REL HS	
#22	CC_749-	Isaiah Hutson Out of Class Pay	Stip	Stip		

Plaintiffs' Exhibits						
Ex. #	Bates	Description	Authenticity	Admissibility	Objection	Admitted
	CC_750	Email from Kara Hill dated January 13, 2020				
#23	CC_751- CC_752	Isaiah Hutson Performance and Conduct Standard and Expectations Meeting from Kara Hill dated January 13, 2020	Stip	Stip		
#24	CC_5976- CC_6066	Isaiah Hutson Harassment/Discrimination Investigation Email dated March 5, 2020	Stip	Stip		
#25	CC_3010	Complaint of Harassment and Discrimination Email from Kara Hill dated March 6, 2020	Stip	Stip		
#26	CC_1	Ray Alanis Harassment/Discrimination Email dated March 6, 2020	Stip	Stip		
#27	CC_5192- CC_5193	Road Maintenance Operation Report Concerns and Frustrations Email from Kara Hill dated March 10, 2020	Stip	Stip		
#28	CC_12	Elias Pena Harassment/Discrimination Email dated March 10, 2020	Stip	Stip		
#29	CC_4429- CC_4432	More Employee/Operations Concerns Email from Kathleen Otto dated March 26, 2020	Stip	Disp	REL	
#30	CC_4451- CC_4458	Expectations Email from Kathleen Otto dated March 26, 2020	Stip	Disp	REL	
#31	CC_2914- CC_2916	Marc Smith Investigation Questions dated unknown	Stip	Stip		
#32	CC_2943- CC_2946	Richard Harris Investigation Questions dated May 12, 2020	Stip	Stip		
#33	CC_2889- CC_2891	John May Investigation Questions dated May 12, 2020	Stip	Stip		
#34	CC_2924- CC_2927	Timothy Waggoner Investigation Questions dated May 27, 2020	Stip	Stip		
#35	CC_2920- CC_2923	Kara Hill Investigation Report dated June 15, 2020	Stip	Stip		
#36	CC_3- CC_5	Isaiah Hutson Appeal of Discrimination / Harassment Complaint Decision dated June 19, 2020	Stip	Stip		
#37	P_4-P_8	Isiah Hutson Request for Investigation of Discrimination and Harassment dated July 8, 2020	Disp	Disp	F	
#38	CC_13	Isaiah Hutson Discrimination/Harassment Complaint and Investigation Request Email dated July 9, 2020	stip	stip		
#39	P_32-P_34	Elias Pena Discrimination/Retaliation Complaint dated August 18, 2020	Disp	Disp	F	
#40	P_9-P_14	Response to Request for Investigation of Discrimination	Disp	Disp	F	

Plaintiffs' Exhibits						
Ex. #	Bates	Description	Authenticity	Admissibility	Objection	Admitted
		and Harassment from Kathleen Otto dated December 10, 2020				
#41	P_44	Sign-In Sheet for Highway Maintenance Specialist Mower Position at Washougal dated February 2021	Disp	Disp	F REL	
#42	P_45-P_46	Elias Pena Step-Two Grievance Response Letter from Interim Public Works Director Eva Haney to Union Representative Larry Clark dated July 29, 2021	Disp	Disp	REL HS MIL#1	
#43	P_78-P_81	Elias Pena Forward Email Please from Josh Lipscomb dated February 28, 2022	Disp	Disp	HS REL MIL# 1	
#44	P_84-P_86	Ray Alanis Inappropriate Conduct/Application Withdrawal Email dated March 10, 2022	Disp	Disp	HS REL MIL#1	
#45	P_94	Ray Alanis Investigation Conclusion from Brianna Bradley dated March 21, 2022	Disp	Disp	HS REL MIL# 1, 8	
#46	P_93	Ray Alanis Correction: Investigation Conclusion from Brianna Bradley dated March 21, 2022	Disp	Disp	HS REL MIL#1	
#47	P_82-P_83	Discussions Regarding the March 2022 Elias Pena Coaching Memo Email from William Winfield dated June 14, 2022	Disp	Disp	HS REL MIL# 1	
#48	P_70-P_81	Isaiah Hutson Inappropriate Conduct Email dated August 2022	Disp	Disp	HS REL MIL# 1	
#49	P_91-P92	Isaiah Hutson Unfair Treatment Email dated September 22, 2022	Disp	Disp	HS REL MIL# 1	
#50	P_76-P_77	Isaiah Hutson Proposal Meeting Email dated December 8, 2022	Disp	Disp	HS REL MIL# 1	
#51	P_72-P_74	Isaiah Hutson Inappropriate Conduct and Threats Email dated December 27, 2022	Disp	Disp	REL HS MIL #1	
#52	P_47	John May's Hangman Photo	Disp	Disp	REL	
#53	P_48	John May's Hangman Photo	Disp	Disp	REL cumulati ve	

Plaintiffs' Exhibits						
Ex. #	Bates	Description	Authenticity	Admissibility	Objection	Admitted
#54	P_49	John May's Hangman Photo	Disp	Disp	REL HS cumulati ve	
#55	P_50	John May's Hangman Photo			REL	
#56	P_51	John May's Hangman Photo			REL	
#57	n/a	Miscellaneous family photos of Elias Pena			REL	
#58	n/a	Miscellaneous family photos of Isaiah Hutson			REL MIL#10	
#59	n/a	Miscellaneous family photos of Ray Alanis			REL MIL#10	
#60	CC_6766	Organizational Chart	Stip	Stip		
#61	n/a	4/23/23 Hangman Photo 006			REL cumulati ve	
#62	n/a	4/23/23 Hangman Photo 007			“”	
#63	n/a	4/23/23 Hangman Photo 008			“”	
#64	n/a	4/23/23 Hangman Photo 009			“”	
#65	n/a	4/23/23 Hangman Photo 010			“”	
#66	n/a	4/23/23 Hangman Photo 011			“”	
#67	n/a	4/23/23 Hangman Photo 012			“”	
#68	n/a	4/23/23 Hangman Photo 013			“”	
#69	n/a	4/23/23 Hangman Photo 014			“”	
#70	n/a	4/23/23 Hangman Photo 015			“”	
#71	n/a	4/23/23 Hangman Photo 001			“”	
#72	n/a	4/23/23 Hangman Photo 002			“”	
#73	n/a	4/23/23 Hangman Photo 003			“”	
#74	n/a	4/23/23 Hangman Photo 004			“”	
#75	n/a	4/23/23 Hangman Photo 005			“”	

DEFENDANT'S OBJECTION KEY:

F = lack of foundation, FRE 602

REL= Relevance, FRE 401, 402, 403

HS=Hearsay, FRE 801, 802

Cumulative = cumulative, FRE

MIL#; subject of motion in limine

Defendant's Exhibits						
Ex. #	Bates	Description	Authenticity	Admissibility	Objection	Admitted
#500	CC_18-27	Human Resources Briefing Report	Disputed	Disputed	F	
#501	CC_2568- CC_2569	Email from C. Heniges to M. Lawrence re: Equipment Training Program Meeting	Disputed	Disputed	F	
#503	CC_728- CC_729;	Email from K. Otto to R. Alanis re: Discrimination / Harassment	Disputed	Disputed	F	

	CC_723; CC_711- CC_712	Claim Appeal; KO handwritten notes				
#504	CC_699- CC_700	Correspondence to L. Clark from K. Otto re: Response to Step 3 Vincent Taylor Grievance	Disputed	Disputed	402	
#505	CC_729	Alanis-Email from K. Otto to R. Alanis re: Discrimination / Harassment Appeal	Stipulated	Stipulated		
#506	n/a	Alanis (dep exhs)-Dep exhibit 32 Alanis Discovery responses	Stipulated	Stipulated		
#507	CC_1963- CC_1971	Alanis-Professional Profile	Stipulated	Stipulated		
#508	CC_701- CC_703	Alanis-DPH Notes re: Appeal	Disputed	Disputed	F	
#509	CC_4267	Alanis-New Employee Orientation	Disputed	Disputed	402; F	
#515	CC_4673	Alanis-Clark County WA Organization Chart	Stipulated	Stipulated		
#516	CC_2931	Alanis (dep exhs)-Dep exhibit 34 Memorandum to R. Alanis from K. Hill re: Investigation Conclusion Memo	Stipulated	Stipulated		
#517	CC_729	Alanis (dep exhs)-Dep exhibit 35 Email from K. Otto to R. Alanis re: Discrimination / Harassment Claim Appeal	Stipulated	Stipulated		
#518	CC_2867	Alanis-Correspondence from K. Otto to Plaintiffs re: Response to Appeal of Discrimination / Harassment	Stipulated	Stipulated		
#533	CC_1848- CC_1868	Hutson-Hutson Performance Evaluations	Stipulated	Stipulated		
#537	CC_5901	Hutson – I. Hutson Retro Trainer Pay	Stipulated	Stipulated		
#538	CC_1455- CC_1463	Hutson – Isaiah Hutson Professional Profile	Stipulated	Stipulated		
#542	CC_4187- CC_4277	Hutson (dep exhs)- Deposition Exhibit 18 Agreement between Local 307CO Public Works, Community Development and Community Planning Units	Stipulated	Stipulated		
#544	CC_747- CC_748	Hutson (dep exhs)- Deposition Exhibit 14 Email from I. Hutson to M. Lawrence re: NEED TO TALK	Stipulated	Stipulated		
#545	CC_1823- CC_1824	Hutson – Hutson Hire Letter	Stipulated	Stipulated		
#548	CC_1511	Hutson – Email re: CC'd Emails	Stipulated	Stipulated		
#549	CC_4076- CC_4077	Hutson – Email re: Trainers for Training Program	Disputed	Disputed	F	
#550	CC_4176- CC_4177	Hutson – Email re: Training on Distributor	Disputed	Disputed	F	
#551	CC_1070- CC_1071	Hutson – Email re: Grievance – Trainer OCP	Disputed	Disputed	F	
#552	CC_4143- CC_4145	Hutson – Email re: Equipment Training Program Trainers List	Disputed	Disputed	F	

#553	CC_4180- CC_4181	Hutson – Email re: WOOC Pay	Disputed	Disputed	F	
#554	CC_5771- CC_5808	Hutson –Handwritten notes re: Hutson Grievance re: Trainer Pay	Disputed	Disputed	F	
#556	CC_4129	Hutson – Email re: MOU Trainer Pay Agreement	Disputed	Disputed	F	
#557	p. 113-119	Hutson Sleep Apnea Medical Records	Disputed	Disputed	402; F	
#558	CC_754- CC_755	Hutson (dep exhs)- Deposition Exhibit 15 Email from K. Hill re: Ray Alanis Grievance	Stipulated	Stipulated		
#559	CC_4159	Hutson – Email re: Out of Class	Disputed	Disputed	F	
#560	CC_744- CC_746	Hutson – Email re: Grievance Withdrawal	Disputed	Disputed	F	
#561	p. 132-136	Hutson Medical Records (redacted)	Disputed	Disputed	F	
#564	CC_5042	Hutson – Email re: COVID-19 Medical Update	Stipulated	Stipulated		
#565	CC_704- CC_707	Hutson – Harrigan Handwritten Notes re: Hutson Appeal	Disputed	Disputed	F	
#566	CC_708- CC_709	Hutson – Harrigan Handwritten Notes re: Hutson Appeal	Disputed	Disputed	F	
#567	CC_9- CC_10	Hutson – Email re: Harassment / Discrimination Investigation	Stipulated	Stipulated		
#569	CC_3011	Hutson – Memo re: Conclusion of Investigation	Stipulated	Stipulated		
#570	P_29	Hutson (dep exhs)- Deposition Exhibit 11 Memo to E. Pena from K. Hill re: Investigation Conclusion Memo	Stipulated	Stipulated		
#572	P_27	Hutson (dep exhs)- Deposition Exhibit 9 Email from E. Pena to K. Otto re: Appeal of Discrimination / Harassment Decision	Stipulated	Stipulated		
#573	P_28	Hutson (dep exhs)- Deposition Exhibit 8 Notes re: Elias conversation with Kara	Stipulated	Stipulated		
#575	p. 175-177	Hutson Medical Records (redacted)	Disputed	Disputed	F	
#576	p. 137-141	Hutson Medical Records (redacted)	Disputed	Disputed	F	
#577	p. 178-180	Hutson Medical Records (redacted)	Disputed	Disputed	F	
#579	p. 142-145	Hutson Medical Records	Disputed	Disputed	F	
#580	p. 125-131	Hutson Medical Records	Disputed	Disputed	F	
#582	CC_4128	Hutson (dep exhs)- Deposition Exhibit 13 Photo of Posting to fill a vacant Highway Maintenance Specialist Mower position at Washougal	Disputed	Disputed	F	
#584	p. 186-189	Hutson Medical Records (redacted)	Disputed	Disputed	F	
#585	p. 212-216	Hutson Medical Records (redacted)	Disputed	Disputed	F	
#586	n/a	Hutson (dep exhs)-Deposition	Stipulated	Stipulated		

		Exhibit 1 Complaint				
#587	p. 198-201	Hutson Medical Records (redacted)	Disputed	Disputed	F	
#590	n/a	Hutson (dep exhs)- Deposition Exhibit 5 Plaintiff Isaiah Hutson's Responses to Defendant's First Interrogatories and Requests for Production	Stipulated	Stipulated		
#601	CC_2024-CC_2028	Pena (dep exhs)- Pena Status (redacted – personal info)	Stipulated	Stipulated		
#602	CC_2031-CC_2055	Pena (dep exhs)- Pena Performance Evaluations	Stipulated	Stipulated		
#604	CC_4066-CC_4067	Pena - Email re: L Training on 5th Wheel and Stick shift	Disputed	Disputed	402;F	
#605	CC_2069-CC_2071; CC_2093 CC_2131	Pena - Elias Pena hire letter and HR documents (reduced to excerpts)	Stipulated	Stipulated		
#606	CC_2057	Pena (dep exhs)- Pena Policy Receipt	Disputed	Disputed	402; F	
#608	CC_4176-CC_4177	Pena - Email re: Training on Distributor	Disputed	Disputed	F	
#609	CC_1453-CC_1454	Pena - Email re: Meeting request- CDL requirements	Disputed	Disputed	F	
#611	CC_4131	Pena - Email re: CDL Endorsement Training	Disputed	Disputed	F	
#612	CC_4184	Pena (dep exhs)- Deposition Exhibit 24 Email from K. Hill re: Unrestricted CDL Meeting Follow Up	Disputed	Disputed	F	
#615	CC_4072-CC_4073	Pena - Email re: Application For CDL Student Training	Disputed	Disputed	F	
#616	CC_4134-CC_4135	Pena - Email re: CDL School Training	Disputed	Disputed	F	
#619	CC_4060-CC_4061	Pena – Email re: COVID-19 Matters at Operations	Disputed	Disputed	402; F	
#620	CC_894-CC_897	Pena - Email re: COVID-19 Update	Disputed	Disputed	402; F	
#622	CC_1144-CC_1147	Pena (dep exhs)- Deposition Exhibit 29 Email from K. Otto to E. Pena re: Discrimination / Retaliation Complaint	Disputed	Disputed	F	
#623	CC_719-CC_722	Pena - Harrigan handwritten notes re: Pena appeal	Disputed	Disputed	F	
#625	CC_1131	Pena (dep exhs)- Deposition Exhibit 28 Email from E. Pena re: Harassment Appeal / Hearsay	Disputed	Disputed	F	
#626	CC_1132	Pena (dep exhs)- Deposition Exhibit 30 Email from E. Pena to K. Otto re: Meeting Forward Notification Discussion	Disputed	Disputed	F	
#629	n/a	Pena (dep exhs)- Deposition Exhibit 21 Plaintiff Elias Pena's Responses to Defendant's First Interrogatories and Requests for Production	Stipulated	Stipulated		

The Parties' Objection Code:

F	Lack of Foundation
MIL	Subject of Motion in Limine

ACTION BY THE COURT

- (a) This case is scheduled for trial before a jury on May 22, 2023 at 9:00 am.
- (b) The court issued an order granting in part and denying in part Defendant's motion for summary judgment on April 28, 2023. See, Dkt. #90.
- (c) Trial briefs were submitted to the court on or before April 21-24, 2023. The parties may submit amended trial briefs based on the court's Summary Judgment Order, Dkt. #90.
- (d) Jury instructions requested by either party were submitted to the court on April 21, 2023. The parties will submit amended proposed jury instructions based on the court's summary judgment order, Dkt. #90 and trial testimony, as appropriate.
- (e) Suggested questions of either party to be asked of the jury by the court on voir dire were submitted to the court on April 20, 2023.
- (f) Agreed neutral statement of the case was submitted to the court on April 20, 2023.
- (g) Agreed supplemental jury questionnaire was submitted to the court on April 20, 2023.
- (h) Deposition designations were submitted to the court on April 21, 2023.

This order has been approved by the Parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order.

This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

Dated this ____ day of _____, 2023.

The Honorable David G. Estudillo

FORM APPROVED

BRESKIN JOHNSON & TOWNSEND PLLC

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